



*Home of the Tualatin River National Wildlife Refuge*

**SHERWOOD CITY COUNCIL MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**July 16, 2013**

**CITY COUNCIL WORK SESSION**

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:32 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Councilors Bill Butterfield and Matt Langer. Councilor Robyn Folsom arrived at 6:40 pm. Council President Linda Henderson, Councilors Krisanna Clark and Dave Grant were absent.
3. **STAFF PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Julia Hajduk Community Development Director, Craig Sheldon Public Works Director, Julie Blums Interim Finance Director, Police Chief Jeff Groth, Police Captain Mark Daniel, City Engineer Bob Galati, Ashley Graff Intern, Colleen Resch Administrative Assistant, and Sylvia Murphy City Recorder.
4. **OTHERS PRESENT:**  
  
Mark Fryburg, Rodney Lewis and Breanna Hyder with PGE.
5. **TOPICS DISCUSSED:**

**A. PGE Report** – Mark Fryburg Local Government Affairs Representative, Rodney Lewis General Foreman and Brianne Hyder Corporate Communications Representative were in attendance and provided the Council with a report of the power outage that occurred on May 22<sup>nd</sup>. Mark informed the Council that PGE received 329 claims and paid out on 156 claims and stated most claims were for damaged appliances. Mr. Lewis explained how the outage occurred. Mark provided handouts to the Council (see record, Exhibit A) and presented a power point presentation (see record, Exhibit B). Discussion followed.

**B.** The Council briefly discussed the recent fire that occurred off Oregon Street.

Mayor Middleton adjourned the work session at 6:57 pm and convened to a regular meeting.

**REGULAR CITY COUNCIL MEETING**

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:08 pm.
2. **PLEDGE OF ALLEGIANCE:**

### **3. ROLL CALL:**

- 4. COUNCIL PRESENT:** Mayor Bill Middleton, Councilors Robyn Folsom, Bill Butterfield, and Matt Langer. Council President Linda Henderson, Councilors Krisanna Clark and Dave Grant were absent.
- 6. STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Julia Hajduk Community Development Director, Craig Sheldon Public Works Director, Julie Blums Interim Finance Director, Police Chief Jeff Groth, City Engineer Bob Galati, Engineering Associate Craig Christensen, Ashley Graff Intern, Colleen Resch Administrative Assistant, and Sylvia Murphy City Recorder. City Attorney Pam Beery.

Mayor Middleton addressed the Consent Agenda and asked for a motion.

### **5. CONSENT AGENDA:**

- A. Approval of June 3, 2013 Council Meeting Minutes**
- B. Approval of June 4, 2013 Council Meeting Minutes**
- C. Approval of June 12, 2013 Council Meeting Minutes**
- D. Approval of June 18, 2013 Council Meeting Minutes**
- E. Approval of July 2, 2013 Council Meeting Minutes**
- F. Resolution 2013-040 A Resolution To Ratify The Contract Agreement Between The City Of Sherwood And The American Federation Of State, County And Municipal Employees (AFSCME); And To Authorize The City Manager To Sign The Successor Collective Bargaining Agreement And Memorandum Of Agreement Between The City Of Sherwood And The American Federation Of State, County And Municipal Employees (AFSCME)**
- G. Resolution 2013-041 A Resolution To Ratify The Contract Agreement Between The City Of Sherwood And Sherwood Police Officer's Association (SPOA); And To Authorize The City Manager To Sign The Successor Collective Bargaining Agreement Between The City Of Sherwood And Sherwood Police Officer's Association**

**MOTION: FROM COUNCILOR ROBYN FOLSOM TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR MATT LANGER, MOTION PASSED 4:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).**

Mayor Middleton addressed the next agenda item.

### **6. PRESENTATIONS:**

#### **A. Proclamation Relay for Life 2013**

Mayor Middleton stated the Sherwood Chapter of the American Cancer Society will hold its 9<sup>th</sup> Annual Relay For Life on August 3<sup>rd</sup> and 4<sup>th</sup> at the Sherwood High School Field, and he proclaimed August 3<sup>rd</sup>-4<sup>th</sup>, 2013, as Relay for Life days. He read the proclamation which stated the American Cancer Society is the nationwide community-based voluntary health organization dedicated to

eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer through research, education, advocacy and service and by these efforts the overall, age-adjusted cancer mortality rate is declining for the first time in human history and will continue to do so. He stated the Relay for Life is unique in this community in that it blends fundraising, cancer awareness and prevention activities, fellowship and support for cancer survivors.

Mayor Middleton addressed the next agenda item.

#### **B. Proclamation Recognizing Robin Hood Festival Days 2013**

Mayor Middleton stated the City will proclaim July 19<sup>th</sup> and July 20<sup>th</sup> as Robin Hood Festival Days 2013. He read the proclamation which stated this as the 60<sup>th</sup> Anniversary of the Sherwood Robin Hood Festival which has been a long standing tradition in the City of Sherwood. He said the Sherwood Robin Hood Festival Committee is made up entirely of volunteers from the community who have willingly given countless hours to make this a memorable and successful event for the community. He encouraged citizens and the surrounding communities to participate fully in all of the festival ceremonies, activities, and events.

Mayor Middleton recognized Sherwood Citizen of the Year Selma Broadhurst, who is a big promoter of the Relay for Life and thanked the volunteers.

Mayor Middleton addressed the next agenda item.

#### **C. Recognition of Sherwood High School Baseball Team State Championship**

Mayor Middleton announced that the Sherwood High School Baseball Team won the 5A State Championship last month and he recognized the athletes in attendance and provided them with Certificates of Achievement. He asked the team to describe their season. Jacob Urbach commented that the season started off rough, but they won 24 of the last 26 games which lead to the state title. He thanked the community for all their support.

Mayor Middleton addressed the next agenda item.

#### **D. Recognition of Sherwood High School Track State Champions**

Tom Pessemier stated he spoke with Coach Smith and he requested the presentation be moved to a future date when the athletes could attend. Mayor Middleton agreed.

Mayor Middleton addressed the next agenda item.

#### **E. Eagle Scout Recognition**

No scouts were present. Mayor Middleton addressed the next agenda item.

#### **F. Swearing in of Police Officer, George Lopez**

Police Chief Jeff Groth introduced Officer George Lopez and gave a brief introduction stating that Officer Lopez was born in California and grew up in Toledo, Oregon. He said Officer Lopez

graduated from Western Oregon University and graduated from the Mid Valley Reserve Police Officer Training Academy and has been a Reserve Police Officer in Independence, Oregon for the past 3 ½ years. He stated that Officer Lopez is married with children and is fluent in Spanish. Chief Groth mentioned that Officer Lopez was slated to be hired last July as one of two replacement positions, but for budget saving, this was put off until January, and then pushed to this July for additional savings. Chief Groth swore in Officer Lopez and welcomed him to the community.

Mayor Middleton addressed the next agenda item and indicated that Resolution 2013-037 has been removed from the agenda and Resolution 2013-042 has been added.

## **7. NEW BUSINESS:**

### **A. Ordinance 2013-004 Approving vacation of a public storm sewer easement located on private property and establishing a new public storm water easement with adjusted boundary to match encroachment conditions**

City Engineer Bob Galati approached the Council and recapped the staff report and stated the legislation before the Council is for a correction that was created during the construction of the new buildings (Residences at Cannery Square) where there was an easement with a storm drain in it. He said the plans showed the easement on the civil portion of the drawings, but the architectural drawings did not pick it up and identify it clearly. He stated when they started to place the building footings and construct the building, they encroached upon the easement, and the encroachment was about 2 feet into the 7½ foot easement. He stated staff checked with Public Works and determined that the amount of the encroachment, if we were to reduce the easement, would still allow us to do work on the sewer line and it would not be an issue with the building. He said as part of the process, staff needs to come before the Council and get approval to vacate the easement and then we will have the owners of the property provide us with another easement that will match the encroachment limits of the building and reestablish the easement again and we will record both simultaneously and that will take care of the issue.

Councilor Butterfield asked if the other property owners are in agreement. Bob responded yes.

With no further Council questions, Mayor Middleton asked for a motion.

**MOTION: FROM COUNCILOR BUTTERFIELD TO READ CAPTION AND ADOPT ORDINANCE 2013-004, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 4:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).**

Mayor Middleton addressed the next agenda item.

### **B. Resolution 2013-036 Authorizing an Intergovernmental Agreement (IGA) with the Clean Water Services (CWS) to utilize System Development Charge (SDC) funds in the construction of the Tonquin Employment Area Sanitary Sewer Upgrade Project**

City Engineer Bob Galati approached the Council and recapped the staff report and stated it is based on the City's continuing efforts to upgrade systems based on our Sanitary Sewer Master Plan and

this project was identified in the City's Master Plan and Clean Water Services Master Plan as being necessary for future development of the area. He said the system is coming close to being maxed out as far as the ability to add more flow and with the Tonquin Employment Area potentially being developed in the future the City is trying to get ahead of it so that we are ready. He stated we have city funds to take care of the city portion but to get the CWS portion of the funding, the SDCs that are available through the agreements we have with CWS, this resolution to enter into an IGA is necessary to make the funds available and it is approximately 38-42% of the construction cost that would be recouped through reimbursement.

Councilor Folsom asked where the city portion of the funds came from. Bob responded from the sanitary SDCs.

Councilor Folsom asked if the sanitary SDCs come from new construction of businesses and residences or just one or the other. Bob responded the SDCs are levied against businesses and residences when they are constructed, this is just a standard fund that is for capital improvements, not for maintenance, and that includes upgrades to infrastructure based on flow capacity.

With no further Council questions, Mayor Middleton asked for a motion.

**MOTION: FROM COUNCILOR FOLSOM TO ADOPT RESOLUTION 2013-036, SECONDED BY COUNCILOR LANGER, MOTION PASSED 4:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).**

Mayor Middleton addressed the next agenda item.

**C. Resolution 2013-038 Authorizing the City Manager to execute a construction contract for the Villa Road Wall Repair Project**

Engineering Associate Craig Christensen approached the Council and stated this resolution is for the repair of an existing wall that is located between SW Wildlife Haven Court and SW Villa Road. He said the current wall is along the tributary and portions of the wall have fallen into the tributary. He stated due to the failure there are bank erosion and stabilization problems. He said due to these issues the Public Works Department has put forth maintenance funds to repair the wall and restore the water quality swale that is behind it. He said there is also a mitigation plan to restore plantings. He noted the project went out for bid, the City received three bids and the highest bid was \$140,769.45 and the lowest bid was \$91,414.11. He said the Engineer's estimate for the project was \$116,000. He stated the lowest responsive bidder was JJ&L Excavation and said staff is requesting authorization to enter into a contract with JJ&L Excavation for the construction of this project.

Councilor Folsom asked if the funding for this project comes from the maintenance fund. Craig stated that this is the storm maintenance funds from Public Works. Councilor Folsom asked if they are from fees. Craig responded he believes that they are part of the monthly fees from the storm water funds.

With no further Council questions, Mayor Middleton asked for a motion.

**MOTION: FROM COUNCILOR LANGER TO ADOPT RESOLUTION 2013-038, SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 4:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).**

**D. Resolution 2013-042 Amending Resolution 2013-034 and Resolution 2013-035 revising membership of a special committee to advise the City Council on possible referral to voters of Ordinances establishing new business regulations**

Assistant City Manager Tom Pessemier stated there have been two resolutions passed to set up a Special Committee to advise Council on potential ordinances regarding new business regulations. He stated that the resolutions were done quickly to give the committee as much as time as possible to draft ordinances for Council consideration to refer to the voters. He stated Resolution 2013-034 was approved to set up the formation of the committee and the basic rules of operation, specifically identifying the number of members on the committee and Resolution 2013-035 was approved, subsequently naming particular members to the committee. He said there were 9 members; 5 members were residents of the City of Sherwood and 4 members conducted business in Sherwood. He stated the committee has met 3 times in less than a week and plans to continue to meet through July and into August. He noted they are been working collaboratively and making good progress and doing what Council set them out to do, but they lost 2 members before the first meeting. He said given the fact that they have been working well, this resolution changes it from 9 members to 7 members, where 4 members are residents and 3 conduct business in Sherwood. He stated this resolution would amend the previous resolutions, changing the number of members and removing those names from the committee.

Mayor Middleton stated that he attended the meeting last night and the Special Committee was in favor of this.

With no Council questions, Mayor Middleton asked for a motion.

**MOTION: FROM COUNCILOR FOLSOM TO ADOPT RESOLUTION 2013-042, SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 4:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).**

Mayor Middleton addressed the next agenda item and the City Recorder read the public hearing statement.

**8. PUBLIC HEARING:**

**A. Resolution 2013-039 Adopting a Supplemental Budget and Making Appropriations**

Interim Finance Director Julie Blums approached the Council and recapped the staff report and referred to 3 items on the supplemental budget. She stated the first item is a transfer from Street Capital Fund to the Urban Renewal Capital Fund. She said in 2010 we took out a loan from the Urban Renewal for street projects in the downtown area and other street projects, even though its funded by Urban Renewal, we typically run them out of our Street Fund, so the loan proceeds were put in the Street Fund. She noted when the contracts were bid for the Phase 2 construction of the downtown street, they were bid under Urban Renewal so the loan proceeds need to be moved back to the Urban Renewal so we can make the payments from that fund. She said the second item staff

mentioned to the Council a few weeks ago when staff brought the contract forward, for the pavement management projects and street operations fund and said the contract services did not get appropriated during the budget process, and were inadvertently left in the fund balance. She said this would appropriate them so we can spend them on contract services for the pavement management projects for the year. She stated the third item is requesting \$5,000 for the special election for business regulation ordinances. She said that was not part of the budget process, or contemplated, so staff is trying to be proactive.

Mayor Middleton opened the public hearing.

**Susan Claus**, 22211 SW Pacific Hwy, came forward and commented that none of the materials were available on the website or in the library until Monday. She said it is Tuesday and the packet is 223 pages and asked if there is a stipulation that the materials need to be available to citizens at least five days in advance.

The City Recorder said the agenda was posted on Tuesday and once the agenda is posted the documents are available to the public, but the packet was not posted to the website because it lacked the consent items, the minutes, as they were not ready. She stated that the documents were available and it is a matter of the public requesting them. Ms. Claus clarified that you don't automatically put them on the website. The City Recorder said once the packet is complete, it is posted to the website. Susan clarified that until then, the citizens can get the documents from you? The City Recorder replied they can be requested. Susan said this is a change from the past when everything used to be posted and said she doesn't know what to do and we are considering changes to the budget that was passed and she doesn't feel there was enough time.

**Jim Claus**, 22211 SW Pacific Hwy, approached the Council and said he finds it strange that we have an accountant and two business people, and said we are now doing a budget and asking the staff what they collected in development fees, SDCs, TIFs and MSTIF, grant money, bonds, and wants the answer at the push of a button. He said he did not want a freedom of information act to find out what has occurred. He said it is a simple question and said the system development credits on houses are paybacks for infrastructure we supposedly bought. He referred to manipulating those like \$500,000 and vote on the ordinance and somebody is getting our development fees. He said he is not much of an accountant but is a pretty good urban land economist and when he finds someone that is using his money, and it is the landowner's money that you take away from them, and it is a direct drop in the price, unless you give it back to them, on a 8 million MSTIF. He said that money goes in a public trust but we don't know what is held in the public trust and said we haven't known ever since we brought Ross Schultz here, our money was nobody's money. He stated if he asks what a capital project cost, like just how much did you pay, you can't tell me. He said it is a capitalized item and it is an asset that is going to last. He noted we don't know what you are capitalizing but it appears you take off 18% of the development money and give it to staff to run and another 40% disappears. He commented regarding a forensic audit and by his numbers \$50 million is missing, given away. He said why don't you stop this and start going back on the capital expense and find out what you collected and what you collected in grants before you move forward. He said it is a silly question to ask a City what they have done with the money they collected from the landowners, from grants and what did you spend it on and what is your contract price for what you did. He said you can't tell me how much you spent on Cannery Square and if you take what you have expensed over here it could be as high as \$20 million. He asked if it would be too much to get you to go back and do that rather than worry about taking more money from Urban Renewal to pay your over draft. He

stated when you take money out of Urban Renewal, if your tax base doesn't go up, the children of Oregon suffer.

**Eugene Stewart**, PO Box 534, approached the Council and said it is confusing and referred to speaking with Craig Gibbons when he started and he could not show him how the city came up with the numbers compared to the audit reports. He said Elaine Johnson came in and that is the number that they started with. He said he has never been given anything that shows year by year where the money was spent and how much on each project. He asked if this is on the City side if the Urban Renewal Agency having the same problem, don't you need an adjustment on that side too. He said if you are transferring money from the city to the Urban Renewal Agency did you forget to do the same thing on the Urban Renewal Agency? He said this makes sense to him, because you have to show money coming in and money going out. He asked where the money is, is it in the Urban Renewal or is it already in the budget and how did you reconcile the balance. He said you we need more studies on where we are spending our money and how it is being spent.

With no further public comments, Mayor Middleton closed the public hearing and asked for Council comments.

Councilor Folsom asked Julie Blums to answer Mr. Stewart's question and asked if we need to do it on the Urban Renewal side as well. Julie responded that we do not and supplement budget are for expenditures only and the budget law only requires that we appropriate our expenditures and not our revenues, therefore we do not need to do a supplemental to show the revenue and we have already budgeted for the downtown streets project. Julie said the expenditures are already budgeted, so we do not need to do a supplemental on the URA side to show revenue.

Councilor Folsom asked if they were budgeted on the City side or the URA side. Julie responded the URA side.

Councilor Folsom asked how we came in on that budget. Tom Pessemier said the final numbers are not in but it looks good, project is on schedule and under budget. He stated he doesn't know the exact amount but we are looking at somewhere between \$200,000 to \$300,000 under budget for the project.

Councilor Langer asked about the \$5000 for the special election and asked if that is the whole cost. Julie responded that it is an estimate. She stated that it depends on how many jurisdictions have items on the ballot and the cost for the entire election is split between the jurisdictions. She said she looked at typically what an election would cost and this is close.

Councilor Langer asked about the balance for the rest of the costs for the Special Committee and gave the example of the city attorney attending these meetings and asked where that cost comes from and clarified city attorney costs are not part of the \$5000. Julie confirmed that was correct and said at the moment we will have to be saving elsewhere to pay for it. She said if it turns out to be significant, we may have to come back with another supplemental.

Councilor Folsom said she believes the numbers we saw were significant, the estimates that were provided yesterday. She said this may not be the time, but we need to discuss this. Julie said staff costs are already budgeted so it is anything above and beyond that, that we will need to look at.



City Manager Gall clarified staff costs, except for city attorney costs. Julie said that is correct. Mr. Gall said he believed the number was \$25,000-\$30,000 of city attorney time and said that is an estimate based on the committee's scheduled 9 meeting. He said Tom can provide details, but he put together an estimate of what it could cost to staff this committee and do the full nine meetings. He said the primary cost he is concerned about is for city attorney time. He said the cost for Sylvia Murphy and Tom Pessemier is time away from their other projects as their current work will be diverted as this was not anticipated in terms of their work loads. He said staff wanted to provide an estimate to the Council in terms of what it could cost.

Councilor Folsom clarified that the estimate for the special election was \$5,000. Julie confirmed. Ms. Folsom said if there are several other jurisdictions it may go down. Julie informed the Council if they chose to, they can add additional funds tonight to pay for additional attorney costs or the other option is to wait to the end and see what the total is and do it at that point.

Councilor Folsom replied we need to talk about it and did not want to do it here.

Councilor Butterfield said he is concerned and said not only are we spending time and funds on the Special Committee, there are other things that we are not doing because they are taking up time with this. He said we have to keep moving forward with the city and running the city and said he doesn't know how many hours staff can put into supporting this and we need to be aware of that, have staff getting run down and stressed out is not necessarily a good thing.

Councilor Folsom asked if it was just an oversight in not allocating the funds.

Mayor Middleton asked where the \$540,000 was coming from.

Julie responded that it is coming from fund balance and said the beginning fund balance for the year was \$1.1 million and the ending fund balance projected for the year was \$1.7 million, so it just simply didn't get allocated as an expense so it increased the fund balance for year end.

Mayor Middleton asked if the \$540,000 was coming from fund balance and asked if it doesn't pass then where do we get the \$540,000. Julie responded we don't and we will have a list of projects that don't get done.

Mayor Middleton asked for a list of the projects. Julie listed the following projects: pavement of Wildrose Place, 12<sup>th</sup> Street between 99W and Sherwood Blvd, Upper Roy to Sunset, and slurry seal projects. Mayor Middleton commented that he wanted the public to know this money isn't going to go into some project or a study and these are projects we have to do for the citizens and not an issue of more waste in our budget and directly goes to the citizens.

Councilor Langer stated that he remembers discussing this during the budget process and it just wasn't allocated accordingly.

Councilor Folsom commented regarding processes and staff teaching the Council over the years of PCI (Pavement Condition Index) and trying to improve the roads in our community and this being the bread and butter of our responsibility and that is why we are allocating the money that we have already chose to spend.

Councilor Langer commented that some of these projects are the original pavements built in the sixties and it is time to improve, appropriate it and move on.

With no further Council questions, Mayor Middleton asked for a motion.

**MOTION: FROM COUNCILOR FOLSOM TO ADOPT RESOLUTION 2013-039, SECONDED BY COUNCILOR LANGER, MOTION PASSED 4:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILORS HENDERSON, CLARK AND GRANT WERE ABSENT).**

Mayor Middleton addressed the next agenda item.

## **9. CITIZEN COMMENTS:**

**Nathan Claus**, 22211 SW Pacific Hwy, approached the Council and provided documents (see record) and pleaded for fairness within the City and said he witnessed the unfairness of City staff toward citizens. He referred to attending a meeting on July 11 with his father, Charlie Harp (sp?) and Jeff Bolton (sp?) and city staff Bob Galati and Scott McKee and two other City staffers that did not introduce themselves or give business cards. He said the purpose of the meeting was a preconstruction meeting for the McFall lots. He stated Mr. Galati did not provide them with anything before the meeting so they could prepare for the meeting and came not knowing what to expect. Nathan said they tried having an attorney at the meeting and was told by staff that they would suspend the meeting for an "indefinite amount of time", to go get the city attorney. Nathan said in the meeting they spent an hour going through Exhibit A (see record) line by line and the only time Mr. Galati would go off the meeting document was to tell us that the requirements are required of all people trying to develop and if they deviated from it just a little bit he would bring the entire force of the Police Department down on us to stop the production. Nathan referred to Exhibit B (see record), which is Mr. Galati's Engineering General Construction Practices for plan of operations and it has 14 points and the first one refers to the hours you're able to work, which are only Monday through Friday, and you can only work on Saturday and Sunday with the approval of the City Manager via the City Engineer. He said under the assumption that this applies to everyone equally, he, his father and mother went to all the different construction sites and complained that they were working on the weekends. He said they emailed Office Rodriguez, which is Exhibit D (see record), saying that they should not be allowed to work on weekends. He said Officer Rodriguez emailed them back and provided the official construction practices of the City follows, which stated they were allowed to work on weekends. He said there is a big difference in the information provided by Officer Rodriguez and said you are allowed to work on Saturday and Sunday and Monday through Friday. Nathan said he was flabbergasted by this and said it is one thing to have a difference but to claim that all citizens have to deal with it is unforgiveable in his opinion. He noted that their contractor, Charlie Harp, stated after the meeting that if we have to follow these requirements, it is nearly impossible to build. He commented that he works with the Boy Scouts of America and said he was elected last year as the Chief Officer of the eighth largest scouting organization in America and said if he ever tried doing something like this to people within my group, he is sure he would not have his job for very long. He said they need to treat everyone fairly and it's not fair to put these restrictions on people even if they disagree with some of the policies of the people running the City.

Mayor Middleton asked City staff to look into this.

**Susan Claus**, 22211 SW Pacific Hwy, came forward and also spoke about the McFall subdivision. She said she provided a map (see record) and it is an 8 lot property that they have been trying to do for 6 years. She said in the process, it's a bit over one acre for the lots and there are another seven acres we are dedicating to the City as part of that dedication. She commented regarding SDC calculations and referred to the different categories and said when you do a subdivision as small as that one the proportionality wasn't there for one acre set of lots versus seven acres on gifting, there was supposed to be, there are some categories for open space and parks and storm water facility. She said at the staff level when the calculations come it is way down the road and not at the time you have approvals, you only have 21 days if you disagree, you have no idea what the staff is going to do at the time you preset a lot to them, this is when they do individual calculations. She commented that this is not the only crazy thing that has happened directly against us. She stated that they dedicated seven acres of the property and there are no credits. She said they are doing the Cedar Creek Trail project and the City told Metro that they needed this property in order to get the \$5.1 million yet it has no value and there are no credits to us. She said everyone knows the story of them trying to put Cedar Creek Trail through the building envelopes of those lots and we had to go to Metro to get that taken care of to put the on the other side of Cedar Creek. She said the property has been under assault for a variety of reasons from the staff and said if they wanted the whole property they should have come upfront and said they did not want us to put 8 little lots in here and now they are just making it as miserable and terrible as they can. She said every step of the way it has been brutal fighting and confrontation at the staff level and asked what do you do when you have fundamental disagreements when you are having a gifting or dedication and you believe that you will get a portion of credit and will still be doing gifting and you find out after all of the land use approvals are gone you can't do anything about it, where do you go, we don't have anything in the city. She said Mr. Gall has said the Council should butt out of his business and he will run the city, she asked what do we do on something like this. She stated there is no process and said they had to going to Metro to get the pathway changed. She said there is \$5 million, plus that the City is getting from the Cedar Creek Trail project and this in an intrical part of the project. She stated they thought they were doing something nice for the City and it has turned out horrible.

**Lori Randel**, 22710 SW Orcutt Place, approached the Council and read a document titled "An Inside Job from Day One". She read Walmart is a store that is generally welcomed into towns, or it has impossible odds to overcome to get into certain urban environments like Sherwood. She stated that presented on its merits, Walmart would have run into community resistance to gain access into Sherwood. She said slowly Walmart has gained location development strategies to not overcome the citizen resistances, but to bypass it, and in order to do this, trusted members of the community must be involved, political cover has to be given and highly sophisticated developers with attorneys need to be in place to manipulate the land use codes behind the scenes in order to grant Walmart's entrance without public scrutiny. She said at first glance it would not appear that the Sherwood Langer Gramor operation was candidate for a Walmart entry. She said on careful examination of public documents, including a tax court ruling, however, it becomes clear that Sherwood is a case in point where land use manipulation behind the scenes, encouraged and directed by Mayor Mays, was the perfect environment for Walmart to slip into town without an open and public process. Sophisticated landowners and developers and a City that lawyered up. She said Langers and Barry Cain of Gramor Development are highly sophisticated developers. On controversial projects they use public relations firms to influence communities. The Langers are the largest developers in Sherwood they developed the Albertsons, Target as well as Home Depot. Langer enlisted the help of another

sophisticated developer, Brenecky (sp?) in the Sherwood Home Depot zoning manipulation. That zoning manipulation resulted in the firing of your staff and a lawsuit where the City Council tried unsuccessfully to stop the applicant in circuit court. She thanked Mayor Middleton for trying to get some transparency in Sherwood government.

**Terrance Miller**, 14904 SW Lowell Lane, came forward and read a document titled "A Spend Thrift City in Need of Development Fees and Urban Renewal Taxes". He stated because of previous overspending in the past years, Sherwood City Council led by former Mayor Keith Mays, Dave Grant and at least two other Council members, created a desperate need for money. When Keith Mays lost the election to current Mayor Bill Middleton citizens found out for the first time that without the Langer urban renewal ground with its development fees and taxes the City would be in default of its bond obligations. Mayor Middleton can testify to this. The staff under former City Manager Jim Patterson and present City Manager Joe Gall had a significant financial motive to promote the Walmart scheme job security, bonuses and raises, were only possible by forcing Walmart in the urban renewal that is under developed farm ground district. If Walmart were to build on a commercial site within the City boundaries, the City would not have revenue that could be directly funneled to their salaries and PERS accounts. Being in urban renewal zoning gave the city the opportunity to double dip. Had Walmart been zoned in a regular commercial zone, not in an urban renewal, the city would have received revenue but the revenue generated would be shared with schools, the library, Police, and Fire Department, which does not happen in urban renewal zones. The city employees would not get the direct funds into their PERS accounts and salaries as happens with urban renewal monies. SO it pays more to the city employees to have Walmart build within the urban renewal district. This explains why Mayor Mays pushed to have it developed on the Langer PUD, Public Utility District which falls within the urban renewal district and not elsewhere. He stated the development would have been nearly impossible without the political cover up by Mayor Mays and the City Attorneys who told Walmart that they could only locate on the Langer PUD. Mayors Mays restrains competition and grants Walmart a green light in urban renewal area. The development would have been difficult to impossible without this political cover and motivation. Ex-Mayor Mays with Paul Elsner of Beery Elsner & Hammond told Walmart they could only locate on the Langer public utility district. To Mayor Mays, he was covering his need for money. Walmart only needed a political green light. Walmart needed a front, Langer and his business partners were more than willing. Walmarts coming had to be kept secret, you never see the Walmart footprint on any of the plans. The realtors, etc, pretended it was going to be a shopping center, they lied and falsely testified. When asked by several different people at different times, Matt Langer insisted "it's not going to be a Walmart". The city failed to notify people living within 1000 feet of the proposed development.

**Michael Buffington**, 22511 SW Dewey Drive, approached the Council and stated Councilor Matt Langer has made or is in the position to make significant profits, result of changes made to city ordinance, interpretations of zoning definitions and city council resolutions made specifically for land within the Langer Farm PUD, officially known as PUD 95-1. He said the original PUD was 125 acres, to be developed over 8 phases, was zoned as open space, high density residential, retail commercial and light industrial. He stated the land set aside for Phase 7 is zoned light industrial and this is the land Walmart intends to build on. He stated what follows is a timeline of publically available and documented events. In 1995 the original Langer Farm PUD was submitted and approved, November 6, 2007 the Langers applied to make minor modifications to the PUD that allowed changes to be made to the uses of each phase which the city accepted. July 26, 2010 a resolution was made to accept the Langer's desire to use the Phase 7 land, zoned as light industrial land as general

commercial land and in that same resolution the requirement that buildings must be 60,000 square feet or less was explicitly waived. November 2010 Matt Langer ran unopposed for an open position on City Council and won the seat. May 2, 2011 Matt Langer submitted an annual verified statement of economic interest form for 2010 stating that the Langer Family LLC was a "family farm development" and his title of office was member and the business was held by self and he listed the Langer Family LLC as a source of income on that same form. He also listed the 56 acre Langer Farms PUD land as property he owned. January 2011 Matt Langer was appointed as the liaison to the Sherwood Urban Renewal Planning Advisory Committee. September 30, 2011 land use economic consulting firm, Johnson Reed published a study that identified 90 Portland area industrial properties as prime redevelopment sites. The study has been used by local Portland area governments and agencies as a way of identifying properties with the highest potential of benefiting from urban renewal funding. In the study after removing properties owned by the Port of Portland or by utilities, railroad or local government, the list was narrowed down to 41 sites, of those 41 sites, the lowest with the lowest market value was the 56 acre site that includes the land set aside for phases 6, 7 and 8 of the Langer Farms PUD. Of the 90 candidate sites, the Langer property was the only site that had not been used for actual industrial purposes before. It was also the only site that was a functional farm at the time of the study. While the Johnson Reed study was primarily focused on formerly functional and now decaying industrial sites, it considered the Langer parcel to be vacant industrial land because of the zoning applied to the land in 1995 and because of its lack of actual light industrial activity over the prior 16 years. Considered a vacant industrial lot the real market value for the Langer Farms site in 2011 and according to the study was 3 cents per square foot. Sometime after the study was released the land for phase 7 was designated as urban renewal land, making projects on that land eligible for a portion of the \$45 million dollars available in urban renewal funding. Today it is estimated that once functional farm land owned by Council member Matt Langer and his family, land that was categorized as underdeveloped light industrial land worth 3 cents per square foot, right for urban renewal funding, is actually worth more, anywhere from \$3 to \$10 per square foot when it is categorized as general commercial land.

**Amanda Roe**, 17938 SW Fitch, came forward and stated Matt Langer ignores the rules of potential or actual conflicts of interests where and when necessary. Not once was there a statement of potential conflict or actual conflict of interest unless Matt Langer's family was directly receiving funds. Any number of times Matt Langer has been involved in marginal votes and not called out a potential conflict of interest, for example the sign code. The Langer's are the landowners at Sherwood Plaza, repeatedly this code benefited Langer's property and specifically with the Sherwood Plaza sign. Singled out for extraordinary generous sign, Langer never once gave vote that he had a potential or actual conflict of interest. Additionally the Langer's acknowledged in their IRS Probate Hearing in 2007 that this type of frontage that the signs afforded on 99 west is worth \$5 a square foot for retail property, even though Matt Langer knows about the value of the property sign, he ignores it when voting. This fact is known by the State Ethics Committee. The problem here is that there are instances where Matt Langer recuses himself. When the City obtained property through eminent domain which was a more overtly beneficial act for the developer, but many instances where it is less obvious he did not recuse himself, as with the code and ordinances changes. There are instances where he acted ethical and recused himself, for example when the development fees were not increased. In a conversation in the hall between two citizens, when they asked why he recused himself, on this he said, "I couldn't vote on this because it benefited my family". But the issue is that any number of times Matt Langer has been involved in marginal votes and has not called out as a potential or actual conflict of interest. If we refer to the Penn Landing in Baltimore the FBI came in

with a major indictment for the city's attempt to gain payment for zoning changes, in comparison Langer saw no issue with manipulating the code that controlled the PUD when it benefited his family to the tune of millions of dollars. If Langer did this which in all probability it looks to purport to Walmart's letter of intent, this is one of the most serious acts our community can imagine. Only through land use manipulation could he have obtained the right zoning and land use regulations to allow Walmart to build on this site. By bringing back the 1995 PUD codes back into existence which is a flat contradiction which was told to the IRS. There are points in conceptual matters here that go far beyond the manipulation of land use regulation to line the Langer's pocket and some of this is a conspiracy to restrain trade. It certainly makes the zoning laws in Oregon impotent.

**Naomi Belov**, 22741 SW Lincoln Street, came forward and read portions of a few of the letters she had been collecting (see record). She read comments from an individual who said he worked for Walmart in the past and referred to bullying tactics by Walmar's and what they have done to small communities, there are no benefits to Sherwood residents by allowing a Walmart to be built here. A letter from an individual referencing healthcare for employees, more non big box stores in Sherwood. A letter from an individual stating belief that Walmart's business practices do not fit Sherwood. A letter indicating the likes for the small town feel, lives here and cares, loves Sherwood, fair wages and insurance, wants businesses to have high standards, likes locally owned businesses, blight on community, business model is only good for Walmart and destructive to community, an injustice to local businesses, increased traffic, Walmart sells guns, treatment of employees, don't want a 24 hour big box, not in the best interest of our community, wants Whole Foods, Trader Joe's or New Seasons instead, does not represent Sherwood's values, the negative impact on traffic and the overall feel of Sherwood.

**Nancy Taylor**, 17036 SW Lynnly Way, approached the Council and stated the entire PUD was not possible in one form at the tax court when the Langer's wished to save tax payments, but in another form in existence in 1995. She said they told the IRS in one story that the PUD did not exist and it was just light industrial ground that saved them \$25 million in property taxes. She stated the Langer's told the tax court judge that this was light industrial property and did not have this potential of a PUD and it had a variety of uses including industrial and commercial. She said these poor old farmers just couldn't do anything. After working with Mayor Mays it was conservatively worth \$20 million more than they told anybody. She said they got the ordinances changed, and asked if that was luck or to avoid paying taxes. Ms. Taylor presented the Mayor with a gift.

**Lori Stevens**, 15630 Farmer Way, came forward and stated she appreciated the moving up of citizen comments and referred to the Y issue as discussed on June 18<sup>th</sup> and asked if the City sent a letter to the YMCA on June 19, 2013 as the Assistant City Manager promised? Tom Pessemier responded that the letter went out a few days after June 19. She asked if it included a deadline. Tom replied it made a request to have information within 30 days. She asked if it included a request for a list of members? Staff did not respond to the question and Ms. Stevens stated she is just commenting and this was the only forum in which we could do this, it was not referenced on the city website and she wanted to be sure this was taken care of.

Mayor Middleton stated he believed the Council will be holding a meeting on the Y, Ms. Stevens asked if the meeting was open to the public, he said it was a work session and confirmed when asked regarding noticing, that it would be more than 2 days.

**Tracie Butterfield**, 23614 SW Heron Lakes Drive, came forward and stated she wanted to give some positive comments and said she has lived here over 20 years and has seen this small town grow and lived through the growing pains of not enough field space for our kids to play sports, not good enough facilities to have plays or musicals or provide for the arts. She stated she is proud of our city and feels we have come along way and said we still have a long way to go. She said when her husband became a Council Member she remembers he took it upon himself to visit every staff member and find out what they do and he came home with so many positive comments about the staff and how hard they work and sometimes for free as there are not enough hours in the day and at times they do work on their own. She thanked the city staff and the City Council and said with the Walmart thing, no matter what side of the fence you're on, she feels a City needs to come together as best as they can to make the best out of the situation and positivity is the only way that she knows. She commented that she knows 3 Council Members very well and can vouch for their strong character and moral value and said her husband knows the city staff and she trusts his judgment about the staff. She thanked everyone for their service and referred to the service that her husband gives the City in many different ways fixing things in schools or on fields and believes he has a good heart and that he wants to better the City. She said she believes in the right to let your voice be heard and understands the frustration of not wanting a big box store in town and said, its coming and she is trying to make her peace with it. She stated one thing she doesn't like, she doesn't think it is fair to be personally attacked. She said that her husband has received phones calls that have been unsettling and not right. She stated the only thing she does not like about the City is the Claus reader board on Highway 99. She said people talk about Matt Langer having a responsibility to the city and she believes Mr. Claus has a responsibility to the City as well and said she thinks he is rude. She said she feels there is some responsibility there and the Council has opened themselves to criticism and he has done the same thing. She said she doesn't know if the sign is legal or not and this is something she has heard from fiends and people in the area that it is unbecoming. She stated she feels the City is going in a great direction and appreciates all the hard work and all that is done.

**Meerta Meyer**, 24002 SW Middleton, approached the Council and asked about the budget and asked if on an annual basis if there is a line by line reconciliation for citizen review available and if it's not available is that something that could become available so questions, similar to what has come up tonight, could be answered in advance.

**Jennifer Kuiper**, 17075 SW Cobblestone Drive, came forward and referred to the conversations and the discussions which have propelled her to say a few things. She stated that she appreciated the Council Members and said she knows many of you personally and has worked with you on many things from extracurricular activities to the Parks and Recreation Board and the YMCA Board. She thanked the City staff and said she has spoken to Joe Gall and Tom Pessemier and they have been very forthcoming with information and very helpful. She said to everyone in the room and referred to one of the letters referred to by Naomi's that said he "loves this town". She stated if you love this town it would behoove most people to understand a little bit of civics. She said in listening to a lot of people talk, it sounds like some people of well-versed in certain pieces of things but understanding how regulations and resolutions are made, what does it mean to have zoning, what is the difference between vacant industrial and undeveloped industrial land, this can be very different. She referred to having an attorney on one side of the discussion and needing one on the other side, and said this is just standard operating procedures to have two attorneys, one from each side, and said there is nothing underhanded about that. She said she personally is not well versed in civics and asked the Council to consider a resolution to come up with a plan to open up lessons on civics to our

community. She said there are a lot of compassionate people in the community and said she has heard a lot of conversations of presupposition and assumption and said it is getting muddled with the facts and feels it would be a great idea. She said she is not one to shy away from controversy and said she actually likes Claus' sign because it leads to discussion, whether you're on one side or another and believes that conflicts lead to resolution. She said she believes the citizens of Sherwood should have a good foundation and have this offered to them, so they can understand civics and everyone can be working from the same page. She thanked the Council for considering including the YMCA Board in their discussions at a Council meeting next week and thanked them in advance for including them.

Mayor Middleton replied the meeting will be on two weeks.

**Angela Rizzo**, 23914 SW Aspen Lakes Drive, came forward and spoke about the Y, she said she wasn't able to make the last meeting but watched the video several times and read the minutes. She said she is very proud of the Council for stepping up and looking into the Y and how they have treated the kids and the parents and said she is speaking directly to the young swim athletes. She said the YMCA almost destroyed her daughter and she almost quit swimming. She said she was able to pull her out and send her to TTSC. She said they have her back swimming and competing and she recently returned from a swim camp, swimming the 200 and she is 10 years old. She said the YMCA destroyed the swim program and did not keep their promises to keep the program running at the level that it was running at when they took it upon themselves to kick out the SSA. She commented regarding being in the community and part of the program for only a few months and staying with the program because they promised and said they pushed the parents and the community away and said it all had to do with money. She read a letter from a young lady that related to her daughter and the kids, a letter from the year end awards ceremony. She referenced the letter which was from a former YMCA swimmer describing how difficult it was to leave the YMCA program and move to TTSC because her coach was fired. The letter indicated she wasn't happy with the situation and struggled to grow up, and almost quit because she felt no one respected her and she wasn't improving. She struggled as she held herself back and struggled to be part of the team. The letter indicated how she started to participate and be part of the TTSC team and is now forever grateful for the team that welcomed her with open arms. Ms. Rizzo spoke highly of the TTSC who overloaded their program to accept these kids, bringing on new coaches and treating the kids and parents with respect, something that you would expect from the YMCA. She said she is ashamed of the YMCA and agrees this community needs to look at a different avenue in 2018 because the YMCA doesn't fit with us.

**John Lee**, 28801 SW Ladd Hill Road, approached the Council and referred to Tracie Butterfield's comments and said he has lived here for over 20 years. He said he wanted to infuse some positive in the Council and the city we live in. He thanked Councilor Grant for his service. He commented on serving with Councilor Langer on the YMCA Board of Managers, with conversations being enjoyable and believes he is a good Christian man and thanked him for his service. He thanked Councilor Clark and Henderson for their service. He noted that Councilor Folsom has an amazing daughter who helped his son to come out of his shell through the friendship they shared, he thanked her for her service. He said he respects Councilor Butterfield and thanked him for his service. He commented on Mayor Middleton service to our country and serving in Iraq, Afghanistan and South Korea, and he said if it weren't for the US Military he would have grown up in what is now North Korea and our family would not have had the opportunities they now have in the United States. He wanted to tell Mr. Gall that since he is being held accountable for things that some consider to be



wrong with our City, he should also be held accountable for the things that are great in our city. He referred to the clean street, groomed parks and trees, children playing in neighborhoods, people walking or jogging their dogs. He said in his every day conversations with residents, the overwhelming majority think this city is the greatest place to live and this is because of the care and work of Joe Gall, the staff and the City Council. Mr. Lee invited everyone to participate in the 6<sup>th</sup> Annual Family Triathlon at the YMCA on August 17, 2013 and said if you can't participate please join us at the barbeque afterwards for free food and drinks.

**Renee Brouse**, 22794 SW Highland Drive, came forward and shared her appreciation to the City staff and City Council and thanked them for sharing their talents and time. She referred to her positive experiences working with city staff and they being professional and timely. She commented on the last several months of the tension and drama and said the staff has responded in a positive and professional manner. She quoted Martin Luther King Jr. as saying "the ultimate measure of a man is not where he stands in moments of comfort, but where he stands in at times of challenge and controversy". She said she has watched City Manager Gall lead by example with integrity and referred to how he inspires his staff to greatness with his weekly updates and said he has a great staff and she appreciated them. She commented on the Police Department, even with a small force, are doing great things for the community and believes this is due to the leadership and management of Chief Groth and Captains Hanlon and Daniel. She said the police are at community events keeping the peace and building relationships and building community. She said we are blessed to have a great group keeping our city safe. She said there is much conflict and tearing down of people in this community and she ask that we each find ways to build each other up, this community is too good of a community to continue in the current direction. She concluded by saying, never one thing and seldom one person can make for a success, it takes a number of them merging into one perfect whole. Ms. Brouse responded to the question asked by Ms. Steven; that the YMCA did receive the letter and they did respond with the information that is now in the City Manager's office.

**Sunny Yopez**, 21655 SW Cedar Brook Way, approached the Council and said she has lived and or worked in this community since 1998 and has enjoyed about 99% of it, but has had a huge challenge with the way people have been behaving. She said she worked at the YMCA and said it was a tough separation and said there are a lot of things that don't go your way in life and life is not fair. She referred to attending a Chamber business forum last Tuesday and her table group discussed an article in the Oregonian pertaining to Walmart and noted it was the second most commented article in the Oregonian ever. She asked if anyone is embarrassed by this and stated she is and commented on the amazing community, asked if this is what we want to be known for. She said we have amazing staff, amazing volunteers and parents in our community and give their service and passion. She said she participates in the Cash Mobs as much as she possibly can, and said a lot of the people here that are passionate about shopping local, she doesn't see at cash mob. She stated the Cash Mob is nonprofit that supports local businesses and asked why don't these people that are so fired up spend their cash in local businesses like Mud Puddles, she listed a few local businesses and said they all started small. She said she is proud to be part of the community and referred to experiences she has shared with the Mayor and Councilors and said she supports sports and the arts.

**Jennifer Harris**, 21484 SW Roellich Avenue, came forward and said that she has been to almost every Cash Mob, but she runs a small business and is not always there at the time, but will go later in the day. She commented on the various groups in town, such as the No-Walmart group and the Recall group and said the City Council is not the only people getting bullied. She referred to threats

she has received to leave, to watch her children, people driving by her house very slowly and stare at her, and said that other people in her circle have also experienced this and said she does not condone bullying. She said this is not personal to her, as far as the recall. She stated the bullying is not one sided and gave examples of the things she has been told that discredit her participation such as the amount of property tax she pays doesn't count as she has not lived here her entire life, her nine years of residency doesn't count even though she has lived within 10 miles of here for the past 40 years, she was told her service in the schools PAC doesn't count because she has been on it for 2 years, that her role as president of her HOA doesn't count and she is not a true citizen because she didn't fight against Target or Home Depot, she said she wasn't here when they came in and didn't have a choice they were here when she arrived. She said even if she was here, she doesn't believe it discounts how she feels and what's going on today. She referred to the \$5,000 or \$10,000 cost for the Special Committee and said in a \$40 million dollar budget, it's not much and said she thinks if the Council is concerned with the money they can take the job back. She said if this is something the Council wants to consider she suggested doing it quickly as some people who are attending three meetings a week and this is killing their families.

**Eugene Stewart**, PO Box 534, approached the Council and referred to an article from Oregon Representative Richardson that said the State of Oregon is \$13 billion dollars in the hole with PERS and wanted to know how this relates to the City and asked what the amount is for Sherwood. He said if Richardson knows what it is, why is it not being discussed at the City Council level. PERS has to know what your unfunded liability is. He noted that cities are not required to put that on their balance sheet but it is hard for him to understand how staff and Council can make financial decisions without knowing that number. He said if PERS gives that number to staff it would be nice if they passed it on. He said he knows it goes up 5% each year and said we can't afford to keep going on and referred to losing teachers and City staff. He said it is a problem and nobody wants to pay for it. He referred to a town in Georgia that went bankrupt and said this is a dangerous thing to keep ignoring. He commented on the Governors efforts that he has put forward regarding ways to pay down PERS that have not been supported by his own colleagues. He encouraged the City Council to get a handle on this before making these financial decisions. He referred to them not normally getting financial statements to be able to make decisions. He said when you make decision out of the goodness of your heart but you need to know the financial information. He said he has lived here since 1946 and has seen changes and have all gone through these growing pains and we keep repeating the same mistakes all the time, we've become a bedroom community, then we say we need to bring businesses in to pay for our schools and help support our roads, and then the housing boom comes and we are forgetting the lessons. He referred to speaking with Mr. Gall when he first started and they discussed visioning and said as part of this visioning someone at staff or Council needs to take the leadership to get the people together instead of banging heads.

**Jim Claus**, 22211 SW Pacific Hwy, came forward and stated he has enjoyed the comments, but what he doesn't like and wants this clear as it has now progressed to them getting papers prepared to take it to the next forum. He said what Susan was taking about when we built the Refuge in Sherwood it followed an environmental effort they did in California and said with the help of RJ Wagner and Senator Mark Hatfield, they helped him build the refuge. He said they donated the Robin Hood Theatre, the trail land so we could build Stella Olsen Park, and the 70 acres for the refuge. He said he promised Mark Hatfield that the 9 acres that finishes that walkway went to the public. He said he knows people don't like his sign but that has never bothered him much. He stated he has donated ground at a \$1 million expense to his family, and suggested that none of the Council has come close

to those kinds of donations. He said in order to get the final steps done on that donation they had to go to Governor Roberts since Mark Hatfield had passed away and it took 6 years to make the donation around your staff's attempts to stop us. He said Mark Hatfield and Barbara Roberts and other outstanding people, Dave Wagner stepped forward to give you that system. He commented that the Council did not have a thing to do with it, and some fought it. He said if you're going to complain about my sign, talk about our good works and if you are going to complain that he supports free speech, complain about his good works. He commented on lies and statements that he brought Walmart to town and said Walmart was trespassing when he found out they were here but said that will come out in the proper forum. He said the Council brought this on yourselves and spoke about input, output and feedback and when you break the loop it's only a matter of time people will get angry. He commented on some being lucky and some being brought into the right educational environment and most like his mother struggle all their life. He said he is sick of having to walk over staff and have nowhere to complain. He referred to Mr. Galls psychological profile (see record) he said when he went to Mr. Gall to complain about not being able to complete a million dollar gift he sent Mr. Galati who tried to drive the contractors out of there. He suggested appointing a mediation arbitration board, put a law professor, Lee Weislogel and a citizen on that and you won't have your citizens coming here so angry.

Mayor Middleton addressed the next agenda item.

#### **10. COUNCIL ANNOUNCEMENTS:**

Councilor Folsom thanked the Senior Center for allowing them to rehearse the Little Mermaid and store their costumes while under construction. She referred to offers she received from seniors to help sew costumes and commented on the welcome that Senior Center Director Teresa gives everyone. She said she appreciated the citizen's comments and the joy and love they have for Sherwood. She commented that she has done the YMCA Triathlon in the past and appreciated the invitation. She said she is excited about the 60<sup>th</sup> Robin Hood Festival, which is brought to you by volunteers and encouraged everyone to attend and spoke of the various activities. She said this year the Royal Academy will host the Little Mermaid encore performances in the Cannery Plaza with crafts. She commented that Sherwood is what it is on the backs of the volunteers and provided examples. She asked the Council if they could discuss after Council announcements the cost of the Special Committee and asked if we had to have attorneys at every meeting and if there's efficiency's here, she said she saw figures in the \$57,000 range. She asked if this is something they can discuss or if the Council would prefer to have all members present. She stated she knows the Mayor ran on a fiscal important policy and knows it is important to him.

Mayor Middleton said he would rather wait. She said can we have that conversation at our next meeting on August 6<sup>th</sup> and asked if we can encourage staff to be as economical as possible.

Mayor Middleton said he agreed with that, but this a citizen issue and he thinks we can look at cuts in other areas that we are throwing money at. He said to him this is a critically important voice for the community that we may not agree with or may not vote on the resolutions to go, but to him the \$57,000 is worth a lot more than some other money that he feels we are just throwing at another project, and said we should have a discussion at the next meeting.

Councilor Folsom said that frankly by the next meeting it will be water under the bridge. She said we need to have the discussion with all of the Council. She said she believes everyone is passionate allowing the citizens to have opportunities to work through the processes and said we always encourage staff and referred to the commitment of the citizens having 3 meetings per week is impressive.

City Manager Mr. Gall said there are costs to this and said as mentioned earlier this evening, this is a \$40 million budget and from what he has heard from staff and people that are committed is the committee is working hard and working well together but they need guidance in legal areas and you don't want a citizens committee to create or suggest something that is illegal or unconstitutional. He said having the city attorney there to do their job is going to cost us, he said he shared the cost with the Council just to let them know and said we will find the savings in other places and said we have the resources to do this and said he appreciates the concerns but it is the cost of doing a good job and helping the citizens craft something the Council can consider putting on the ballot.

Councilor Folsom thanked Mr. Gall for his perspective.

Councilor Langer responded to some of the testimonies and said he did not hear anything new from testimony presented by Lori Randel, Terrance Miller, Michael Buffington, or Amanda Roe that has not been presented in the past by others present in the room. He said there have been 3 ethics complaints filed against him over the last 30 months and all have come back clear. He said people in the room have threatened to send the FBI after his family for over a decade and recommended to those that have newly gotten involved to avoid those who only spout outlandish tall tales and to ask if any of that stuff we heard tonight was true the FBI would have already set up camp here in Sherwood and would be here tonight. He said to keep that in mind and run it through that filter and he stated this stuff happened in 1995 and a lot of the zoning that people are upset about was present by the same person that is presenting you with these outlandish tall tales. He said thanks to that individual, that is how a lot of this got there. He referred to the 2007 decision and said that was three years prior to him being on Council, he said all this hoopla about what has occurred, occurred way before he had anything to do with the City Council. He suggested to be careful of the lies and tales you are hearing because you are just newly involved in what is going on in Sherwood. He said he loves this community and his family is not going anywhere and his family has been here for 6 generations now and said he will probably not be the last Langer sitting here. He said they have been here since 1879 and they will take care of this community as best as we can and will defend it from those that are trying to break it down as much as possible and referred to an individual in the audience, that is the biggest problem in the whole town.

Mayor Middleton asked everyone to keep it civil and addressed the next agenda item.

## **11. CITY MANAGER AND STAFF DEPT REPORTS:**

Mr. Gall asked Public Works Director Craig Sheldon to come forward and provide an update on the soccer field.

Craig said they will do GMax testing tomorrow and the field is complete and there are no problems with the base and hopefully will have results by Friday, July 19th. He said it was done in a month and everything was done as planned, under budget and on time.

Councilor Butterfield said he looked at it and they did a great job once again and said he is proud to be associated with the staff of Sherwood and is proud to be on Council and said staff has done a great job up there and should pat themselves on the back.

With no other business to address, Mayor Middleton adjourned the meeting.

**12. ADJOURN:**

Meeting adjourned at 9:10 pm.

Submitted by:

  
Sylvia Murphy, CMC, City Recorder

  
Bill Middleton, Mayor